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1619
Patent

Attorney's Docket No. 018413-386

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

JOHN J. WHALEN, et al.

Application No.: 09/973,951

Filed: October 11, 2001

For: NOVEL HIGH VISCOSITY
EMBOLIZING COMPOSITIONS

)
) Group Art Unit: 1619

)
) Examiner: Unassigned

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**INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is an Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- [X] No additional fee for submission of an IDS is required.
- [] The fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- [] A certification under 37 C.F.R. § 1.97(e) is also enclosed.
- [] A certification under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- [] Charge \$_____ to Deposit Account No. 02-4800 for the fee due.
- [] A check in the amount of \$_____ is enclosed for the fee due.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

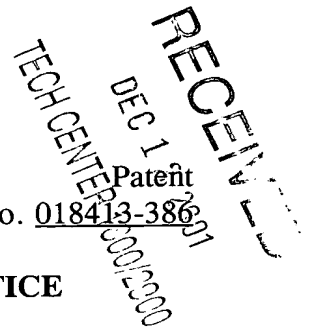
Respectfully submitted,

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Date: December 10, 2001



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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited was submitted in application No. 09/574,379, upon which a claim for priority is based under 35 U.S.C. § 120.

U.S. Patents

1. U.S. Patent No. 3,527,224, issued to Rabinowitz on September 8, 1970.
2. U.S. Patent No. 3,591,676, issued to Hawkins, et al. on July 6, 1971.
3. U.S. Patent No. 4,079,124, issued to Winchell on March 14, 1978.
4. U.S. Patent No. 4,631,188, issued to Stoy, et al. on December 23, 1986.
5. U.S. Patent No. 4,795,741, issued to Leschiner, et al. on January 3, 1989.
6. U.S. Patent No. 4,938,763, issued to Dunn, et al. on July 3, 1990.

7. U.S. Reexamined Patent No. B1 4,938,763, reexamination certificate issued to Dunn, et al. on July 4, 1995.
8. U.S. Patent No. 5,202,352, issued to Okada, et al. on April 13, 1993.
9. U.S. Patent No. 5,443,454, issued to Tanabe, et al. on August 22, 1995.
10. U.S. Patent No. 5,580,568, issued to Greff, et al. on December 3, 1996.
11. U.S. Patent No. 5,667,767, issued to Greff, et al. on September 16, 1997.
12. U.S. Patent No. 5,695,480, issued to Evans, et al. on December 9, 1997.
13. U.S. Patent No. 5,851,508, issued to Greff, et al. on December 22, 1998.
14. U.S. Patent No. 6,017,977, issued to Evans, et al. on January 25, 2000.

Foreign Patents and Patent Publications:

15. Japanese Published Application No. 5-57014, published March 9, 1993 (and English translation).
16. Japanese Published Application No. 5-253283, published October 5, 1993 (and English translation).
17. Japanese Published Application No. 6-107549, published April 19, 1994 (and English translation).
18. International Publication No. WO 85/00969, published on March 14, 1985.
19. International Publication No. WO 97/04656, published on February 13, 1997.
20. International Publication No. WO 97/04657, published on February 13, 1997.
21. International Publication No. WO 97/04813, published on February 13, 1997.

Other Publications:

22. Casarett and Doull's Toxicology, Amdur et al., Editors, *Toxic Effects of Metals*, 4th Edition, pp. 661-664, Pergamon Press, New York, New York.
23. Castaneda-Zuniga, et al., "Interventional Radiology", *Vascular Embolotherapy*, Part 1, 1:9-32, Williams & Wilkins, Publishers (1992).
24. Guglielmi, et al., "Electrothrombosis of Saccular Aneurysms via Endovascular Approach", *J. Neurosurg.*, 75:8-14 (1991).
25. Kinugasa, et al., "Early Treatment of Subarachnoid Hemorrhage After Preventing Rerupture of an Aneurysm", *J. Neurosurg.*, 83:34-41 (1995).
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27. Kinugasa, et al., "Direct Thrombosis of a Pseudoaneurysm after Obliteration of a Carotid-Cavernous Fistula with Cellulose Acetate Polymer: Technical Case Report", *Neurosurgery*, 35(4):755-760 (1994).
28. Kinugasa, et al., "Direct Thrombosis of Aneurysms with Cellulose Acetate Polymer, Part II: Preliminary Clinical Experience", *J. Neurosurg.*, 77:501-507 (1992).
29. Link, et al., "Hydrogel Embolic Agents", *Invest. Radiol.*, 29(8): 746-751 (1994).
30. Mandai, et al., "Direct Thrombosis of Aneurysms with Cellulose Acetate Polymer, Part I: Results on Thrombosis in Experimental Aneurysms", *J. Neurosurg.*, 77:497-500 (1992).
31. Miyatake, et al., "Cobb's Syndrome and its Treatment with Embolization", *J. Neurosurg.*, 72:497-499 (1990).
32. Naitoh, et al., "Removal of Beta-2-Microglobulin by Diffusion Alone is Feasible Using Highly Permeable Dialysis Membranes", *Trans Am. Soc. Artif. Intern. Organs*, 630-634 (1988).
33. Park, et al., "New Polymers for Therapeutic Embolization", Poster #47, Meeting of Radiological Society of North America (1993).

34. Sadato, et al., "Experimental Study and Clinical Use of Poly(vinyl acetate) Emulsion as Liquid Embolization Material", *Neuroradiology*, 36:634-641 (1994).
35. Su, et al., "Histopathological Studies of a New Liquid Embolization Method Using Estrogen-Alcohol and Polyvinyl Acetate", *Surg. Neurol.*, 36: 4 - 11 (1991).
36. Sugiu, et al., "Direct Thrombosis of Experimental Aneurysms with Cellulose Acetate Polymer (CAP): Technical Aspects, Angiographic Follow Up, and Histological Study", *J. Neurosurg.*, 83:531-538 (1995).
37. Taki, et al., "A New Liquid Material for Embolization of Arteriovenous Malformations", *Am. J. Neuroradiology*, 11:163-168 (1990).
38. Taki, et al., "Selection and Combination of Various Endovascular Techniques in the Treatment of Giant Aneurysms", *J. Neurosurg.*, 77:37-42 (1992).
39. Taki, et al., "Possibility and Limit Of Intravascular Surgery", *Medical Tribune*, pp. 46-47 (1989).
40. Terada, et al., "Embolization of Arteriovenous Malformations with Peripheral Aneurysms using Ethylene Vinyl Alcohol Copolymer", *J. Neurosurg.*, 75:655-660 (1991).
41. Yamashita, et al, "Characteristics of Ethylene Vinyl Alcohol Copolymer (EVAL) Mixtures", *Am. J. Neuroradiology*, 15:1103-1105 (1994).

Applicants do not admit that any or all of the references cited above are prior art to this application and specifically reserve the right, where appropriate to antedate any of these references by an appropriate showing under 37 C.F.R. §§ 1.313, 1.608, or any other means permitted.


The documents are being submitted within 3 months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later, therefore no fee or certification is required under 37 C.F.R. § 1.97(b).

Copies of the listed documents were previously submitted in prior Application Serial No. 09/547,379, filed May 19, 2000, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. In accordance with 37 C.F.R. § 1.98(d), copies of the listed documents are not included.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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